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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GAIL BILYEU,

Defendant.

2:09-CR-477-KJD (RJJ)

**THE UNITED STATES OF AMERICA’S UNOPPOSED MOTION TO EXTEND THE
 TIME TO REPLY TO BILYEU’S OBJECTIONS TO PRELIMINARY ORDER OF
 FORFEITURE (DOCKET #44)
 (First Request)**

The United States of America (“United States”), by and through Daniel G. Bogden, United States Attorney for the District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney, respectfully moves this Honorable Court for an Order to extend the time for the United States to reply to Bilyeu’s Objections to Preliminary Order of Forfeiture (Docket #44) pursuant to Fed. R. Crim. P. 45(b)(1) and LCR 45-1. The United States’s Reply is scheduled to be filed on August 3, 2010, and the Forfeiture Hearing is scheduled for August 11, 2010, at 9:00 A.M. #35.

The United States requests an extension of time because the United States needs the Presentence Investigation Report to fully respond to Bilyeu’s arguments in her Objection (#44).

The grounds for extending the time are as follows.

...

1 The sentencing was continued because probation needed more time to prepare the
2 Presentence Investigation Report. The United States consistently uses the Presentence Investigation
3 Report to address the objections and arguments to forfeiture. Without the Presentence Investigation
4 Report, the United States cannot fully respond to Bilyeu's arguments. As soon as the Presentence
5 Investigation Report is completed and given to the Asset Forfeiture Assistant United States Attorney
6 ("AFAUSA"), he will need two weeks to prepare the Reply to Bilyeu's arguments.

7 On or about July 26, 2010, the AFAUSA called the Federal Public Defender's Office
8 ("FPDO") and requested to speak with opposing counsel, Assistant Federal Public Defender
9 ("AFPD") Brenda Weksler. The FPDO told AFAUSA that AFPD Weksler would not be back to the
10 office until Monday, August 2, 2010, but if the AFAUSA left a message with AFPD Weksler's
11 assistant, she could call AFPD Weksler to see if she would agree to the extension of time. The
12 AFAUSA left the message on the voice mail of AFPD Weksler's assistant. On July 29, 2010, the
13 AFAUSA contacted AFPD Rene Valladeres who called AFPD Weksler, who agreed to the extension
14 of time.

15 This Court should grant an extension of time, pursuant to Fed. R. Crim. P. 45(b)(1) and LCR
16 45-1.

17 DATED this 29th day of July, 2010.

18 DANIEL G. BOGDEN
19 United States Attorney

20 /s/DanielDHollingsworth
21 DANIEL D. HOLLINGSWORTH
22 Assistant United States Attorney

23 IT IS SO ORDERED:

24 
25 UNITED STATES DISTRICT JUDGE

26 DATED: 8/03/2010

Nunc Pro Tunc